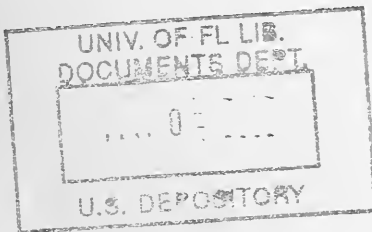


NATIONAL RECOVERY ADMINISTRATION

AMENDMENTS TO
CODE OF FAIR COMPETITION
FOR THE
DRY COLOR INDUSTRY

AS APPROVED ON SEPTEMBER 14, 1934



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Approved Code No. 407—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

DRY COLOR INDUSTRY

As Approved on September 14, 1934

ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE DRY COLOR INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Dry Color Industry, and opportunity to be heard having been afforded all interested parties, and any objections filed having been duly considered, and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

JOSEPH F. BATTLEY,
Acting Division Administrator.

WASHINGTON, D.C.,
September 14, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the proposed amendments to the Code of Fair Competition for the Dry Color Industry as approved by you on April 25, 1934. A notice of opportunity to be heard has been published, giving all interested parties full opportunity to be heard.

This report covers two amendments, the purposes and effects of which are as follows:

Amendment No. 1 provides that the Code Authority will be notified by the impartial agency, to whom assessments are to be paid, of all failures to pay such assessments in order that suitable action may be taken by the Code Authority as provided in the Code.

Amendment No. 2 enables the Code Authority to incur such reasonable obligations as are necessary for the administration of the Code. It requires that the Code Authority submit for the approval of the Administrator an itemized budget and an equitable basis of pro-rating the assessments to be collected from the members of the Industry. Payment of an equitable contribution to the expenses of the Code Authority by members of the Industry is made mandatory by this amendment if their principal line of business is covered by this Code.

FINDINGS

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limi-

tation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) These amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) These amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, these amendments have been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

SEPTEMBER 14, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DRY COLOR INDUSTRY

AMENDMENT 1. Modify Article VI, Section 4 (a), by adding thereto the following words: "provided, however, that if the impartial agency shall report that any member of the Industry has for sixty (60) days after the date of mailing the notice of the assessment failed to pay such assessment, the amount of such assessment shall be made known to the Code Authority for the purpose of taking any action authorized by Section 4 (e) of Article VI of the Code."

AMENDMENT 2. Delete Section 4 (e) of Article VI and substitute therefor the following:

"(e) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

"(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

"(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Dry Color Industry;

"(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Dry Color Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

"2. Each member of the Dry Color Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contribution), shall be entitled to participate in the selection of the Code Authority or to receive the benefits of any of its voluntary activities

or to make use of any emblem or insignia of the National Recovery Administration.

"3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved."

Approved Code No. 407—Amendment No. 1.
Registry No. 607-1-01.



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